IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10600 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL NIMA PRAVINKUMAR

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MID PATEL and MR YUNUS PATEL for Petitioner

MS. PARINDA J DAVAWALA WITH MR UI VYAS for Respondent

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 04/01/2000

ORAL JUDGEMENT

1. Rule. Service of notice of Rule is waived by learned advocate Mrs. Davawala for the respondent. At the request of the learned advocates for the parties, the petition is taken up for final hearing today.

2. In this petition under Article 226 of the Constitution of India, the petitioner who was granted passport by the respondent wherein birth place of the petitioner is shown as Ambaliyasan as per the school record which, according to the petitioner is not correct and the correct birth of place of the petitioner is Jornang, St. Ambaliyasan, District Mehsana, has applied for fresh passport showing her correct birth place but the same has not been considered by the respondent and directed the petitioner to apply for fresh passport after obtaining appropriate orders from this Court, has filed this petition for the following relief:

> "To direct the respondent authority, Regional Passport Officer to grant a fresh passport according to her birth certificate with a correct birth place as JORNANG (Via St. Ambaliyasan) Dist. Mehsana within a period of two weeks or as early as he can, so that the petitioner may present the passport before the American Consulate at the time of interview."

3. Having heard learned advocates appearing for the parties and having perusal of the averments made in the petition and the documents annexed with the petition i.e., xerox copy of he passport wherein birth place is mentioned as Ambaliyasan as well as xerox copy of the certificate issued by Talati-cum-Mantry wherein birth place of the petitioner is mentioned as Jornang, St. Ambaliyasan, Taluka Mehsana, I am of the opinion that the correct birth place of the petitioner is Jornang, St. Ambaliyasan, Taluka Mehsana as mentioned in the birth certificate and not Ambaliyasan as mentioned in the passport issued to the petitioner.

4. In view of the aforesaid state of affairs, if the petitioner prefers fresh application for issuance of passport annexing with the birth certificate showing the correct birth place of the petitioner as Jornang, St. Ambaliyasan, Taluka Mehsana, the respondent shall consider the said application and after affording opportunity of hearing to the petitioner shall issue fresh passport within a period of two weeks from the receipt of fresh application showing her correct birth place as Jornang, St. Ambaliyasan, Taluka Mehsana.

5. In view of the above, the petition succeeds in part and accordingly it is partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs. D.S. permitted.

(karan)